

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PAUL A. MARTZ, individually and on)	
behalf of all others similarly situated,)	
Plaintiff,)	
)	
vs)	Civil Action No. 06-1075
)	
PNC BANK, N.A.,)	
Defendant.)	

O R D E R

AND NOW, this 29th day of December, 2006, after the plaintiff filed a complaint in the above-captioned case, and after the defendant moved to dismiss Count II of the complaint and to partially dismiss Count I to the extent the plaintiff seeks actual damages, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted thirteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the plaintiff, as well as the defendant's response to those objections, and upon independent review of the pleadings, and the Magistrate Judge's Report and Recommendation, and the statutory language in 15 U.S.C. § 1693m(a), which does not permit a remedy of restitution as sought by the plaintiff in Count II,

IT IS ORDERED that the defendant's motion to dismiss Count II of the complaint and to partially dismiss Count I to the extent the plaintiff seeks actual damages (Document No. 18) is granted as to Count II and denied in all other respects.


United States District Judge

cc: All Counsel of Record

Honorable Robert C. Mitchell
United States Magistrate Judge